UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,134	01/15/2002	Fang Ma	03317-P0014B	4266

24126   7590   09/07/2005

ST. ONGE STEWARD JOHNSTON & REENS, LLC
986 BEDFORD STREET
STAMFORD, CT 06905-5619

EXAMINER
SILVER, DAVID

ART UNIT	PAPER NUMBER
2128	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>15 January 2002</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-18</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-18</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>15 January 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claims 1-18 are pending in application 10/047134 filed on 1/15/2002.

The Application claims priority to provisional application 60/216,929.

The Examiner finds that the provisional application number is <u>60/261,929</u>, not 60/216,929.

The Examiner acknowledges and grants priority based on provisional application 60/261,929.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

1. The abstract of the disclosure is objected to because of legal phraseology "comprising a",

    etc. Correction is required. See MPEP § 608.01(b).

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do

    not include the following reference sign(s) mentioned in the description: **Figure 3 is**

    missing item 34 (See specification page 7 paragraph 1 last sentence). Corrected

    drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action

    to avoid abandonment of the application. Any amended replacement drawing sheet should

    include all of the figures appearing on the immediate prior version of the sheet, even if only

    one figure is being amended. Each drawing sheet submitted after the filing date of an

    application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

    pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant

will be notified and informed of any required corrective action in the next Office action. The

objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6 and 8-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Cynthia Ann

Klein U.S. Patent 6,709,330, "Klien" hereinafter.

   a. As per claim 1, Klien discloses a system for simulating trading of financial assets,

   comprising:

      a computer **(col.: 22 lines: 40-47)**;

      software executing on said computer for displaying a first time interval and a

first corresponding price of a plurality of time intervals and corresponding

prices**(col.: 7 lines: 48-56 , Figure 6 options detail and equity detail)**;

      software executing on said computer for receiving an indication of a decision

to trade **(Figure 7, col 8 ln 28-30)**;

      software executing on said computer for simulating the trade **(col.: 1 lines:**

11-15, col.: 15 lines: 51-52);

      software executing on said computer for repeatedly displaying a next time

interval and a next corresponding price of the plurality of time intervals and

corresponding prices **(col.: 7 lines: 48-56, col.: 4 lines: 61-63, Figure 6**

options detail and equity detail);

software executing on said computer for repeatedly receiving indications of

decisions to trade based upon said next time interval and said next corresponding

price of the plurality of time intervals and corresponding prices **(col.: 15 lines: 34-**

39);

and software executing on said computer for repeatedly simulating trades

based upon said repeatedly received indications of decisions to trade **(col.: 15**

lines: 51-52).

b. As per claim 2, Klien discloses a system according to claim 1, wherein said plurality

of time intervals and corresponding prices are based on fictitious data **(Figure 15**

item 1510).

c. As per claim 3, Klien discloses a system according to claim 1, wherein said plurality

of time intervals and corresponding prices are based on historical data **(col.: 5**

lines: 10-23 emphasis on 14-15).

d. As per claim 4, Klien discloses a system according to claim 3, wherein said historical

data is selected from the group consisting of news, stories, events, market

performance, and combinations thereof **(col.: 2 lines: 7-13)**.

e. As per claim 5, Klien discloses a system according to claim 1, wherein the plurality of

time intervals and corresponding prices are displayed graphically **(Figure 12)**.

f. As per claim 6, Klien discloses a system according to claim 1, further comprising

software executing on said computer for displaying a recommendation based upon

the decisions to trade **(col.: 16 lines: 16-23)**.

g. As per claim 8, Klien discloses a system according to claim 1, further comprising

software executing on said computer for providing a plurality of time intervals and

corresponding prices for a portfolio of financial assets **(col.: 2 lines: 14-20, Figure**

12).

h. As per claim 9, Klien discloses a system according to claim 1, further comprising

   software executing on said computer for receiving indications of trades from a

   plurality of users **(col.: 4 lines: 61-63, col.: 4 lines: 64-66, col.: 4 lines: 38-**

   44).

i. As per claim 10, Klien discloses a system according to claim 9, further comprising

   software executing on said computer for evaluating performance as compared to

   other users **(col.: 4 lines: 64-66)**.

j. As per claim 11, Klien discloses a system according to claim 1, wherein the displayed

   time intervals and corresponding prices do not indicate their source of origin **(col.:**

   12 lines: 20-31).

k. As per claim 12, Klien discloses a system according to claim 1, wherein the plurality

   of time intervals and corresponding prices are based upon randomly selected

   historical data **(col.: 12 lines: 20-31, Figure 15 item 1510)**.

l. As per claim 13, Klien discloses a system for simulating trading of financial assets,

   comprising:

      a computer **(col.: 22 lines: 40-47)**;

      software executing on said computer for receiving a request to display specified

   information **(col.: 5 lines: 46-49)**;

      software executing on said computer for displaying a first time interval and a first

   corresponding price of a plurality of time intervals and corresponding prices **(col.: 7**

   lines: 48-56 , Figure 6 options detail and equity detail);

      software executing on said computer for displaying specified information **(col.: 5**

   lines: 46-49);

      software executing on said computer for receiving an indication of a decision to

   trade **(Figure 7, col 8 ln 28-30)**;

software executing on said computer for simulating the trade **(col.: 1 lines: 11-15, col.: 15 lines: 51-52)**;

software executing on said computer for repeatedly displaying a next time interval and a next corresponding price of the plurality of time intervals and corresponding prices **(col.: 7 lines: 48-56, col.: 4 lines: 61-63, Figure 6 options detail and equity detail)**;

software executing on said computer for repeatedly receiving indications of decisions to trade based upon said next time interval and said next corresponding price of the plurality of time intervals and corresponding prices **(col.: 15 lines: 34-39)**;

and software executing on said computer for repeatedly simulating trades based upon said repeatedly received indications of decisions to trade **(col.: 15 lines: 51-52)**.

m. As per claim 14, Klien discloses a system according to claim 13, wherein said specified information is requested by a user **(col.5 lines 46-49, col.: 4 lines: 61-63, col.: 4 lines: 64-66, col.: 4 lines: 38-44)**.

n. As per claim 15, Klien discloses a system according to claim 13, wherein said specified information is selected from the group consisting of news, stories, events, market performance, a historical time period, and combinations thereof **(col.: 2 lines: 7-13)**.

o. As per claim 16, Klien discloses a method for providing a simulated trading environment for trading financial assets, comprising the steps of:

providing a computer **(col.: 22 lines: 40-47)**;

displaying a time interval on said computer **(col.: 7 lines: 48-56 , Figure 6 options detail and equity detail)**;

displaying a price of a financial asset corresponding to said time interval **(col.: 7 lines: 48-56 , Figure 6 options detail and equity detail)**;

receiving an indication to trade the financial asset **(Figure 7, col 8 ln 28-30)**;

simulating the trade according to said indication to trade **(col.: 1 lines: 11-15,**

col.: 15 lines: 51-52);

repeatedly displaying a next time interval and a next corresponding price of a

plurality of time intervals and corresponding prices **(col.: 7 lines: 48-56, col.:**

4 lines: 61-63, Figure 6 options detail and equity detail);

repeatedly receiving indications of decisions to trade based upon said next time

interval and said next corresponding price **(col.: 15 lines: 34-39);**

and repeatedly simulating trades based upon said repeatedly received indications

of decisions to trade **(col.: 15 lines: 51-52).**

p. As per claim 17, Klien discloses a method according to claim 16, further comprising

the step of receiving user specified information **(col.5 lines 46-49).**

q. As per claim 18, Klien discloses a method according to claim 17, further comprising

the step of displaying said user specified information **(col.5 lines 46-49).**

Claim Rejections - 35 USC § 103

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cynthia Ann Klein U.S.

Patent 6,709,330, "Klien" hereinafter, as applied to claim 1 above, and further in view of

James P. O'Shaughnessy U.S. Patent 6,484,151, "O'Shaughnessy" hereinafter.

a. As per claim 7, Klien discloses a computer system that displays a time intervals and

the corresponding prices. Wherein the computer system receives a request to

simulate, and simulates the trade. Wherein the requests and simulations occur

repeatedly. Klien does not however substantially disclose that the computer

evaluates performance compared to benchmarks. O'Shaughnessy however discloses

an analogous system that discloses the limitations **(col2 lines 62 to col3 line 47,**

emphasis on col.3 ln 34-39 and col.3 ln 8-9). It would have been obvious to

one of ordinary skill in the art <stock simulation / modeling> at the time of

Applicant's invention to combine the features of the two references to allow the user

to receive better feedback from his or her trading strategy.
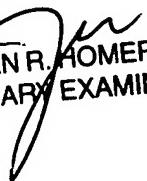
Conclusion

5. Claims 1-18 are rejected.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to David Silver whose telephone number is (571) 272-8634. The examiner

can normally be reached on Monday thru Friday, 8am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jean Homere can be reached on (571)272-3780. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system,

see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Silver
Examiner
Art Unit 2128

ds

JEAN R. HOMERE
PRIMARY EXAMINER